

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

U.S. DISTRICT COURT
DISTRICT OF VERMONT
FILED

2020 DEC 23 PM 1:54

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ROBERT E. SNELGROVE,

Plaintiff,

v.

HERMAN LeBLANC,

Defendant.

Case No. 5:20-cv-146

**ORDER ACCEPTING REPORT AND RECOMMENDATION
(Docs. 2, 3)**

The Magistrate Judge issued a Report and Recommendation (R&R) on November 5, 2020. (Doc. 3.) No objections to the R&R have been filed. After careful review of the file and the Magistrate Judge's reasoning, the court adopts the R&R. *See* 28 U.S.C. § 636(b)(1).

As noted in the R&R, Plaintiff first filed this action for partition of property owned by Plaintiff and Defendant as tenants-in-common in state court on August 18, 2015. (Doc. 3 at 1.) The action was closed in state court on July 16, 2019. (*Id.* at 5.) Defendant LeBlanc removed the case to this court on September 28, 2020 (*Id.* at 3.)

For the reasons stated in the R&R, this Notice of Removal was untimely under 28 U.S.C. § 1446. This defect in removal procedure is grounds for remand under 28 U.S.C. § 1447(c). As recommended by the R&R, Plaintiff's Motion to Remand (Doc. 2) is GRANTED.

SO ORDERED.

Dated at Rutland, in the District of Vermont, this 23rd day of December, 2020.


Geoffrey W. Crawford, Chief Judge
United States District Court